



**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 858  
**MENTAL HEALTH REGULATORY AGENCY**  
**OREGON BOARD OF PSYCHOLOGY**

**FILED**

05/13/2025 11:58 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Board member compensation and expense reimbursement; Board record maintenance.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/24/2025 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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**NEED FOR THE RULE(S)**

House Bill 2992 (2021) added a requirement for state boards and commissions to pay specific compensation and expenses to certain members boards. The Board determined to apply this across the board for consistency and equity, and to clarify that members may decline compensation or reimbursement of expenses. The rule related to records also needs updating to reflect electronic records where files are no longer "checked out" to members.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE**

OAR Chapter 858 and ORS Chapter 675 are available on the OBOP website at <https://www.oregon.gov/Psychology/Pages/LawsRules.aspx>. House Bill 2992 is available on the Oregon State Legislature website at <https://olis.oregonlegislature.gov/liz/2021R1/Measures/Overview/HB2992>. ORS 171.072 is available on the Oregon State Legislature website at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors171.html#:~:text=Salaries%20and%20Expenses\)-,171.072%20Salary.](https://www.oregonlegislature.gov/bills_laws/ors/ors171.html#:~:text=Salaries%20and%20Expenses)-,171.072%20Salary.)

**STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE**

This rule amendment promotes equity in compensation of all Board members and therefore is expected to have a positive effect on racial equity in the state. Expanding Board member per diem may help increase the pool of candidates considering Board service, especially public members, who generally must take time off work to serve in their public service role on the Board. Also, setting forth clear and up-to-date rules ensures that everyone can understand them, and reduces the likelihood of misinterpretation or exclusion.

**FISCAL AND ECONOMIC IMPACT:**

All Board members eligible for compensation under ORS 292.495 will be paid the same rate unless they decline.

#### COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None. Businesses are not subject to this rule. The Board will absorb any minimal costs required to implement these changes within its current staffing levels and budgeted resources. Ongoing expenditure limitation to implement HB 2992 for all members was already budgeted by the Board in 2021-23.

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#### DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not explicitly involved.

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#### WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The proposed rule amendment was openly discussed during the May 9, 2025 public session board meeting where members of the public were invited to address the Board during a public forum. The changes are largely based on legislation. The Board did not determine that an additional committee beyond the nine-member Board and its staff was necessary to develop the rules.

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#### AMEND: 858-010-0005

RULE SUMMARY: Sets Board member compensation equal to ORS 171.072(9) for performance of official duties, which is in addition to other allowable reimbursement for travel or other expenses. Allows members to decline compensation or reimbursement of expenses. Updates the rule pertaining to maintenance of Board records.

#### CHANGES TO RULE:

858-010-0005

Board Duties and Procedure ¶¶

(1) Board Meetings. The Board shall meet as necessary at a time and place specified by the Board and at such other times and places as specified by the chair of the Board, a majority of members of the Board or by the Governor. The time and place of all meetings shall be posted on the Board's website.¶¶

(2) Board Members: Compensation:¶¶

(a) Board members shall receive a per diem of \$75 a day for board meetings, conference attendance, presentations and Board committee meetings when acting in compensation that is equal to the per diem paid to members of the Legislative Assembly under ORS 171.072(9) for each day or portion thereof where the member is engaged in the performance of official duties, which includes Board and committee meetings and activities that the Board or Executive Director has pre-approved or requested.¶¶

(b) Compensation provided under Section (a) shall be in addition to the allowable reimbursement for travel or other official capacity expenses.¶¶

(c) Board members may decline to accept compensation or reimbursement of expenses.¶¶

(3) Internal Organization. At the last meeting in each fiscal year, the first order of business shall be organizational matters, including election of Board chair and vice-chair and the assignment of standing responsibilities to Board members. The term of the chair, vice-chair or any standing assigned responsibility can be changed or terminated at any meeting where the proposal has been placed on the agenda and sent to the members one week in advance of the meeting, or by unanimous consent of the Board.¶¶

(4) Chair and Vice Chair Responsibilities:¶¶

(a) The chair is authorized to take emergency action between Board meetings. "Emergency action" means an action that is required on short notice to protect the public from harm, including temporary administrative rulemaking and orders of emergency suspension. All emergency actions of any kind shall be noted in the agenda for the next meeting for ratification by the Board.¶¶

(b) The vice-chair shall perform the duties of the chair when the chair is unable to do so.¶¶

(5) Board Communications. Only the Board chair shall write other than routine or form letters in the name of the

Board unless members are specifically authorized in a Board meeting to do so. The Board should approve in advance any correspondence that may materially affect Board policies and procedures. When a delay might render the Board's functioning ineffective, the chair may be required to take immediate action that shall be reviewed at the next meeting of the Board.¶¶

(6) ~~Board Files. All Board files shall be assembled in the Board's official office~~Records. The Board Executive Director shall maintain the Board's files under the direction of the chair. The Board Executive Director shall maintain a master record of any files that are checked out of the Board office by Board members. The Board Executive Director shall be notified whenever any Board file is transferred from the possession of one person to another, and shall so note in this responsible for maintaining the Board's records. Individual members who have Board's records. Individuals who have in their possession documents or files pertaining to Board affairs in their possession or control are responsible for their protection and privacy.¶¶

(7) Minutes and Agendas:¶¶

(a) The minutes of a meeting shall ordinarily be distributed to all Board members at least one week in advance of the next meeting; and¶¶

(b) The agenda shall ordinarily be prepared by the Board chair or Board Executive Director and distributed to all Board members at least one week before each meeting. The agenda items shall include reports by the Board Executive Director, the chair and each Board member who has received a specific assignment at the previous meeting or has a report to make regarding standing assignments. If there is insufficient time to inform the Board chair, the Board Executive Director shall make additional scheduling at the direct request of Board members. The Board may at its discretion, revise the agenda or limit it to a particular topic under special circumstances. Reports may be added as an addendum to the minutes of any meeting.¶¶

(8) The Board adopts the Attorney General's Model Rules of Procedure, OAR Chapter 137, Divisions 1 through 5, as its rules of procedure under the Administrative Procedure Act.

Statutory/Other Authority: ORS 675.010 - 675.150, ORS 36.224, ORS 183.341, ORS 183.502, ORS 292.495

Statutes/Other Implemented: ORS 675.110, ORS 675.130, ORS 675.100, ORS 292.495, ORS 171.072